

Ms. COLLINS. The amendment my colleague from Oregon and I are offering tonight requires the use of full and open competition for the award of contracts under this bill to support our military or related to the reconstruction of Iraq.

Competitive bidding ensures the taxpayer gets the very best value for his investment. It also enhances public confidence that contracts are awarded in a manner that is fair and transparent, a process that allows all qualified bidders to submit bids for the contract.

This principle of full and open competition is enshrined in the Competition and Contracting Act, which is current law.

Under that law, contracts must generally be bid under full or open competition unless one of seven exemptions is invoked.

Unfortunately, however, some of the contracts that have been awarded to date, both to support our military in Iraq and to begin reconstruction efforts, have not been awarded using full and open competition. The contracting process has been curtailed.

We want to make sure the general rule is competitive bidding, and, if there are cases where there are legitimate reasons for curtailing competition—say, for reasons of national security—then we believe there should be a process in place that requires a justification for curtailing competition and disclosure of that fact.

Generally, under our amendment, if competition is not used in the award of a contract, the agency involved would have to justify the reason for invoking an exception to competition and report that in the Commerce Business Daily, the Federal Register, and to the appropriate committees of Congress. We recognize there may be a few cases where it is so secret, it is so classified, that disclosure in the Commerce Business Daily and the Federal Register would not be appropriate. In those cases, we provide for an alternative form of notifying Congress.

Our amendment will bring accountability and sunshine to the competition and contracting process. I urge my colleagues to support our amendment.

It has been a great pleasure to work with my colleague, Senator WYDEN. We have made a number of efforts in this regard. I believe this amendment should enjoy widespread support.

I reserve the remainder of my time and I yield to the Senator from Oregon.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I have enjoyed working with my colleague from Maine over the last 5 or 6 months.

This amendment is especially important because it would mean for the first time the Congress is going to restrict the funds under this effort for reconstruction to only those contracts let in an open and competitive bid, except in very narrow circumstances.

In my view, much of the work to rebuild Iraq has been outsourced to pri-

vate companies and it is now time, with this legislation, to end the outsourcing of accountability. What our constituents have said is: How much is this whole effort going to cost? How long is it going to take? And how is this money going to be spent?

As I have said, my view is that right now the contracting process looks a little like Dodge City before the marshal showed up. It seems very influential companies and others seem to write the rules that the United States is essentially in the dark. Then the news media comes out and highlights various concerns, most of which the Senate does not know much about, and there is a flurry of activity and people discuss whether or not the contract is going to be rebid.

What Senator COLLINS and I would like to do is establish some bipartisan order and go back, as the Senator from Maine has said, to the principles that the Competition and Contracting Act have been all about. Yes, \$87 billion is a jaw-dropping sum of money. The Coalition Provisional Authority, the World Bank, and the U.N. have estimated—it was in the Wall Street Journal today—that it will take \$56 billion over just the next 5 years for rebuilding in Iraq.

It seems to me it does not pass the smell test to allow this process where the Congress is in the dark, the American people are in the dark, and every Member of the Senate goes home and faces constituents who say, We want this process to work a little bit like our family finances do. Right now, a family makes purchases, they get a bank statement. For example, they spend X amount of dollars at Sears, they spend more at the grocery store, they pay for essentials, and get a bank statement showing what they spent. That is a process that is straightforward, that can be monitored. We look at the bank statement for Iraq; it is essentially devoid of specifics.

Senator COLLINS and I have tried to approach this on a bipartisan basis. People may think it is a quaint idea, but we believe in competition. We believe that transparency and disclosure works and it gets taxpayers the most for their money.

This amendment for the first time actually puts in place a funding restriction. In the past, Senator COLLINS and I have said we are willing to look at various approaches that involve reports after the fact. Now we are waiting for all of these investigations and inquiries to move at glacial speed.

What Senator COLLINS has said is—and I agree with her point completely—what we need now is some legislation with teeth in it. This funding restriction for the first time provides that.

We are very pleased to be able to come to the Senate, given the fact there have been a number of instances already where contracts were let without competitive bid or with only limited bidding. We have had a number of colleagues involved, colleagues from both parties.

I particularly commend Senator CLINTON, who has been my partner on the Democratic side. I also note that Senator ENZI has been very supportive of this effort. He joins this cause as well. Our thanks to Senator CLINTON, Senator ENZI, and many other Senators who have been involved in this effort.

Tonight, it seems to me, the Senate is saying: We will do it differently. We will draw a line in the sand. The Senate is no longer going to be in the dark with respect to this issue. I am very pleased we will be able to go home for this recess and say that at a time when the American people are looking for some concrete specifics with respect to the pricetag on this legislation and where the money exactly is going to go, we can say that because of this bipartisan amendment, for the first time the Senate is going to restrict these funds so as to promote open and competitive bidding and the kind of transparency that best makes free markets work.

I reserve the remainder of any time I have remaining. I also thank the chairman of the Senate Appropriations Committee who has had strong views on this issue and has worked closely with Senator COLLINS and me over almost 6 months. We appreciate the fact that now we have legislation with some real teeth in it to make sure the taxpayers get value for their money in the contracting process.

Mr. STEVENS. Mr. President, if I may speak for a moment.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. We will be happy to accept this amendment. It has been modified, as has been indicated. I want to state to the Senate, however, although the Senators are correct, this adds to existing law.

Existing law at the current time requires competitive bidding on contracts. The contracts that are outstanding now that have been entered into by the United States and its entities in Iraq have been let on the basis of competitive bids. There have been lots of questions raised about that, but some of the contracts were outstanding before the contractors were sent to Iraq, and they were general services contracts, and those were extended to Iraq. But we are now putting, as the two Senators mentioned, additional emphasis on that, and I am pleased to accept the amendment on behalf of the Senate.

The ACTING PRESIDENT pro tempore. Is there further debate?

Ms. COLLINS. Mr. President, I yield back my time if the Senator from Oregon will also yield back his time.

Mr. WYDEN. Mr. President, I do.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1820) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.